

## **REMARKS**

Claims 1-20 were examined and rejected. Applicants amend independent claims 1, 12 and 18 as supported at least by prior claims 2 and 5; and paragraphs 14, 17, 25 and Figs. 2 and 5 of the application. Applicants cancel claims 2, 5, 13, 15 and 20. Applicants submit additional claims 21-23 as supported at least at paragraphs 15-16 of the application. Applicants submit additional claims 24-26 as supported at least at paragraph 17 of the application. Applicants submit additional claims 27-29 as supported at least at paragraph 25 and Fig. 5 of the application.

Hence, Applicants respectfully request reconsideration of the pending claims and consideration of the additional claims.

### **I. Claim Rejections – 35 U.S.C. §102 and 103**

Claims 1-4 and 12-20 are rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication No. 2004/0047291 issued to Ain et al. (“Ain”). Claims 5-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Ain in view of U.S. Patent Publication No. 2002/0041650 issued to Sybel et al. (“Sybel”). Claim 8 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ain and Sybel as applied to claim 7 above, and further in view of U.S. Patent Publication No. 2002/0046276 issued to Coffey et al. (“Coffey”). Claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Ain and Sybel as applied to claim 10 above, and further in view of U.S. Patent Publication No. 2003/0068024 issued to Jones et al. (“Jones”).

Applicants respectfully disagree with the rejection above for at least the reason that the cited references do not teach receiving a non-rate verified aligned detect signal over a serial interconnect; determining whether incoming aligned primitives are received at a target clock rate during a predetermined number of clock periods, the rate verification unit including a shift register that is clocked at the target clock rate, the shift register having a first flip flop to receive a non-rate verified align detect signal and to output a first Last Align Detect signal; and delivering a rate-verified align detect signal, as required by claim 1.

Ain teaches comparing words received from a port with a predetermined word indicating no (idle) port transmission activity and counting the number of matches to determine available bandwidth (see abstract and paragraphs 9, 18 and 19 and Fig. 3). However, Ain simply teaches

comparing the received words with the IDLE ordered set specified by the Fiber Channel protocol to be transmitted when a port has no valid data (see paragraph 18, lines 5-9); and counting the total number of words received to generate a reset signal when the counter device has counted a predetermined number of words (see paragraph 18, lines 17-27 and 36-43). Ain does not teach the above noted limitations of the claims.

Sybel teaches detecting the occurrence of a flag character in a stream of serial data by comparing the data with a bit of the flag pattern stored in comparators (see abstract and column 3, line 20 through column 4, line 40 and Fig. 2). Sybel does not teach the above noted limitations of the claims.

Coffey teaches a fiber channel arbitrated loop that uses K28.5 transmission characters (see paragraphs 48-50), but does not teach the above noted limitations of the claims.

Jones teaches monitoring for a wake-up signal and sending an acknowledgement when that signal is received (see abstract and paragraphs 120-123), but does not teach the above noted limitations of claim 1.

For example, claim 1 recites “a non-rate verified align detect signal” and “a rate-verified align detect signal.” At most, and without the Applicant admitting to as much, the data pattern signal of Ain and Sybel might be viewed akin to port activity or flag detect signals, but not “a non-rate verified align detect signal” or “a rate-verified align detect signal” as required by the claim. Next, Ain and Sybel only disclose a single such port activity or flag detect signal and not a pair of such align detect signals (non-rate verified and rate verified). In addition, Ain and Sybel do not determine the line speed by determining a number of align primitives that arrive in a period of time; Ain and Sybel do not disclose a determination as to whether or not the rate of the line is appropriate (as recited in each of the independent claims 1, 12, and 18).

Similar arguments to those above for claim 1 apply to corresponding limitations of independent claims 12 and 18.

Next, Applicants assert that the combination of Ain and Sybel is improper. First, the Patent Office states that the reason for the combination is “so as to have a system able to provide

necessary functioning to the user.” However, this reasoning is vague as there is no definition of exactly what kind of “necessary functioning” such a combination provides.

Applicants also disagree with the rejection above of dependent claim 8 for at least the reason that the references do not teach asserting the nonaligned detected signal if more than a predetermined number of characters are sampled in a 4-byte sequence, as required by claim 8.

Coffey teaches 10-bit, 8-bit, and 7-bit string detection (see paragraphs 48-50), but does not teach the above noted limitations of claim 8.

Applicants also assert that the motive to combine Coffey with Sybel or Ain is improper. Ain has the purpose and policy of comparing 40-bit data words of a TCP/IP messaging protocol (see Fig. 1 and paragraph 18). Sybel has the purpose and policy of pattern register 15 having at least 8 stages for data bits so that each bit can be compared with a predetermined flag (see column 3, lines 29-56). Coffey only teaches 10, 8, or 7-bit strings (see paragraphs 48-50). Thus, a practitioner would not consider (and it is not reasonable) to attempt to use the K28.5 transmission characters having 10, 8, or 7-bits of Coffey in Ain because to do so would defeat the 40-bit data words of a TCP/IP messaging protocol purpose and policy of Ain (see MPEP 2143.01 V and VI).

Applicants also disagree with the combination because the Patent Office cites a reason for the combination as “so as to have a system able to meet the design requirements of the user.” This reason appears vague and does not define exactly which “design requirements” are met.

Applicants also disagree with the rejection of claim 11 for at least the reason that the cited references do not teach keeping the rate-verified align detect signal asserted until an acknowledge signal is received, as required by claim 11.

Jones only teaches sending a wake-up signal and an acknowledgement in response to the wake-up signal (see paragraphs 120-123). However, Jones does not teach keeping the rate-verified align detect signal asserted until an acknowledge signal is received, as required by claim 11.

In addition, Applicants submit that the combination of Jones with Ain and Sybel is improper. The reason the Patent Office states for the combination is “so as to have a system able to provide correct operation to the user.” However, this is vague and does not describe exactly what “correct operation” is accomplished by the combination.

Applicants submit that any dependent claims not mentioned above are patentable over the cited references for at least the reasons provided above in support of their base claims as well as any additional limitations of those dependent claims.

Hence Applicants respectfully request all of the rejections above be withdrawn.

## **II. Additional Claims**

Applicants submit that additional dependent claims 21-29 are patentable over the cited references for at least the reasons provided above in support of their base claims, as well as the additional limitations of claims 21-29.

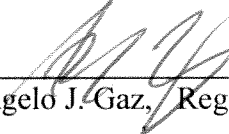
**CONCLUSION**

In view of the foregoing, it is believed that all claims now pending are now in condition for allowance and such action is earnestly solicited at the earliest possible date. If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666. Questions regarding this matter should be directed to the undersigned at (310) 207-3800.

Respectfully submitted,

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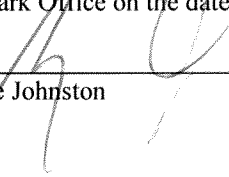
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**CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being submitted electronically via EFS Web to the United States Patent and Trademark Office on the date noted below.

 9/29/10  
Suzanne Johnston Date